

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 L-03 SCA-01 SEC-01 JUSE-00 SCS-03
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R 151935Z JUN 77
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 7786

LIMITED OFFICIAL USE SAN JOSE 2763

E.O. 11652: N/A
TAGS: PGOV, CS
SUBJECT: REQUEST TO SERVE SUMMONS ON VESCO AND ACCOMPLICES

1. EMBASSY HAS BEEN APPROACHED BY JOSE MIGUEL ALFARO, COSTA RICAN ATTORNEY FOR FUND OF FUNDS, LTD., WHICH HAS AN OUTSTANDING CIVIL SUIT AGAINST ROBERT VESCO, NORMAN LEBLANC, AND MILTON F. MEISSNER FOR RECOVERING \$60 MILLION IN ALLEGED SECURITIES FRAUD (URCIV 1980). ALFARO HAS PROVIDED EMBASSY A COPY OF A U.S. COURT ORDER AUTHORIZING SERVICE OF SUMMONS AND COMPLAINT IN COSTA RICA ACCORDING TO COSTA RICAN LAW" ISSUED BY JUDGE CHARLES E. STEWART JR. U.S. DISTRICT JUDGE, U.S. DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK, DATED FEBRUARY 13, 1976. ORDER IS FOR SUMMONS BE SERVED ON VESCO AND ASSOCIATES IN COSTA RICA "IN ANY MANNER PRESCRIBED BY COSTA RICAN LAW OR THE LAW OF THE STATE OF NEW YORK." ALSO, IT IS ORDERED THAT "LIC. JOSE MIGUEL ALFARO BE AND HEREBY IS DESIGNATED A PERSON AUTHORIZED TO EFFECT SUCH SERVICE OF PROCESS."

2. JUDGE STEWART'S ORDER FURTHER "RESPECTFULLY REQUESTS THE SUPREME COURT OF COSTA RICA, IN THE FURTHERANCE OF JUSTICE, TO EFFECT SUCH PROCEEDINGS AS ARE APPROPRIATE SO THAT DEFENDANTS VESCO, LEBLANC AND MEISSNER WILL BE SERVED WITH SAID SUMMONS AND FIRST AMENDED COMPLAINT IN LIMITED OFFICIAL USE

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ACCORDANCE WITH COSTA RICAN LAW."

3. FINALLY, DOCUMENT STATES IT IS ORDERED THAT "PURSUANT TO RULE 4(I)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE, PROOF OF SUCH SERVICE ON DEFENDANTS VESCO, LEBLANC AND MEISSNER SHALL BE MADE IN THE MANNER PRESCRIBED BY COSTA RICAN LAW."

4. EMBASSY INFORMED ALFARO THAT NORMALLY, SERVICE OF SUCH LETTERS ROGATORY SHOULD HAVE PROCEEDED THROUGH DEPARTMENT OF STATE, ALTHOUGH HE WAS ALSO INFORMED THAT LETTERS ROGATORY MAY BE TRANSMITTED DIRECTLY FROM COURT TO COURT (7FAM 844.2). ALFARO SAID HE WAS AWARE OF THE DIPLOMATIC PROCEDURE, AND THAT HE WOULD INFORM HIS CLIENT IN THE U.S. OF NEED POSSIBLY TO INSTITUTE REQUEST THROUGH NORMAL CHANNELS. AT SAME TIME HE ASKED IF IT WOULD BE POSSIBLE, IN ORDER TO SAVE TIME IN RE-TRANSMISSION OF DOCUMENTATION, TO HAVE EMBASSY PROCEED AS IF INSTRUCTION HAD ALREADY COME TO EMBASSY THROUGH DEPARTMENT (ONCE COMMUNICATION BETWEEN COURT AND DEPT. IS ESTABLISHED). ALFARO NOTED THAT HE HAD RECEIVED U.S. DISTRICT COURT ORDER AND MOUND OF SUPPORTING DOCUMENTS DULY AUTHENTICATED AND TRANSLATED INTO SPANISH BY PARCEL POST THROUGH HIS CLIENT IN U.S.

5. EMBASSY INFORMED ALFARO, WHO IS ONE OF COSTA RICA'S BEST LAWYERS WITH LARGE U.S. CLIENTELE, THAT SITUATION WOULD BE REPORTED TO DEPARTMENT AND GUIDANCE REQUESTED.

6. COPY OF JUDGE STEWART'S ORDER BEING POUCHED TO ARA/CEN.
KILDAY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LETTERS ROGATORY, LITIGATION
Control Number: n/a
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Sent Date: 15-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Executive Order: N/A
Errors: N/A
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Original Handling Restrictions: n/a
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